



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA

v.

NIKOLAI BOSYK

Defendant.

1:17-cr-302 (LMB)

EMERGENCY MOTION FOR COMPASSIONATE RELEASE  
PURSUANT TO 18 U.S.C. § 3582(c)(1)(A)

See attached. Defendant submits *pro se* this emergency motion for compassionate release based on facts already briefed plus the following that indicates the presence of active COVID-19 cases among the general population at FCI Allenwood Low:

- As of 3 pm EST on 12/4/2020, there was 1 active inmate case and 6 active staff cases.
- On Friday night, 12/4/2020, at least one individual was removed from Brady Unit B. Correctional Officers informed the inmates in the unit that they suspect COVID-19 and that they would be deploying rapid testing at the facility.
- On Saturday, 12/5/2020, FCI Allenwood Low was locked down.
- On Sunday, 12/6/2020v , all visitation at FCI Allenwood Low was "suspended until further notice."

Data show that once cases entered the other facilities at the Allenwood complex, the spread was rapid. For example, according to the BOP coronavirus data, there were 2 positive inmate cases at FCI Allenwood Medium on 11/13/2020. On 11/17/2020, there were 7 inmate cases; ten days later on 11/27/2020, there were 92 positive inmate cases. There is no reason not to expect a similar rise in rates at FCI Allenwood Low as this has happened in similar fashion at almost every BOP facility since the beginning of the pandemic in March. The presence of active cases at FCI Allenwood Low and the activity over the weekend suggests this number will rise there over the coming weeks.

Please refer to [www.bop.gov/coronavirus](http://www.bop.gov/coronavirus) for the current number of active inmate and staff cases at FCI Allenwood Low. BOP only reports coronavirus data on weekdays so the next update will occur at 3 pm EST on Monday, 12/7/2020.

Your Honor

My name is Nikolai Bosyk, and I appeared before you in case number 1:17-cr-00302-LMB. More recently I filed a motion for compassionate release which you denied without prejudice on October 29, 2020. In your denial you mentioned that "in the event that there is rapid deterioration at FCI Allenwood Low... defendant can renew his request for relief, benefitting from the fact that the relevant factors have already been carefully and thoroughly briefed by both parties". You also indicated I should "bring another motion if there is a significant increase in active COVID-19 cases at [my] facility". I ask that you please consider this letter to be such a motion, as COVID-19 cases have appeared here at Allenwood Low. Due to the open nature of the dormitory-style housing here at the low, the virus has begun to spread, and I believe this poses to me a particularized risk of contracting the disease. The medium-security and penitentiary here at Allenwood have both experienced rapidly-spreading outbreaks that infected hundreds of inmates confined in more traditional-style prison cells. Very recently the USP saw an incredible explosion of cases, going from 40 cases on November 20th to 120 cases on November 23rd. This virus spreads incredibly fast and is very contagious, and for all the reasons mentioned in my prior motion as well as those above, I ask that you please release me immediately per ~~the~~ <sup>the</sup> 18 U.S.C. § 3582(c)(1)(A), with or without a period ~~of a period~~ <sup>of</sup> of home confinement. If released, my chances of contracting the virus drop precipitously due to the fact that I would only be exposed to two people - my wife and my son - instead of the hundreds I encounter here every day. Thank you for your time and consideration in this emergency matter.

Sincerely

*Nikolai Bosyk*

Nikolai Bosyk - Reg. No. 91607-083, FCI Allenwood-Low, White Deer, PA 17887



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USA

Plaintiff(s),

v.

Bosyk

Defendant(s).

Case# 1:17-cr-302(LMB)

Civil Action Number: \_\_\_\_\_

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Emergency Motion for Comp Release  
(Title of Document)

Jennifer Bosyk for Nikolai Bosyk  
Name of *Pro Se* Party (Print or Type)

[Signature]  
Signature of *Pro Se* Party

Executed on: 12/7/2020 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of \_\_\_\_\_  
(Title of Document)

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

\_\_\_\_\_  
(Name of *Pro Se* Party (Print or Type)

\_\_\_\_\_  
Signature of *Pro Se* Party

Executed on: \_\_\_\_\_ (Date)